

ENTERED

June 23, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

KEVIN CASTRO,
TDCJ # 01783002,

Petitioner,

VS.

LORIE DAVIS,

Respondent.

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CIVIL ACTION NO. 4:20-1395

ORDER OF DISMISSAL

On April 20, 2020, state inmate Kevin Castro filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254 (Dkt. 1). The Clerk entered a notice of deficient pleading (Dkt. 5) instructing Castro to submit a petition on the Court's form within thirty days, and supplied Castro with the form. The notice warned Castro that failure to comply with the deadline could lead to dismissal under Federal Rule of Civil Procedure 41(b).


Castro's deadline for compliance was May 20, 2020. To date, he has not submitted a form petition or otherwise communicated with the Court. Under the inherent powers necessarily vested in a district court to manage its own affairs, the Court determines that dismissal for want of prosecution is appropriate. *See* FED. R. CIV. P. 41(b); *Gates v. Strain*, 885 F.3d 874 (5th Cir. 2018); *Nottingham v. Warden, Bill Clements Unit*, 837 F.3d 438, 440–41 (5th Cir. 2016) (a district court may dismiss an action *sua sponte* for failure to prosecute an action or to comply with court orders). However, relief from this order may be granted if Castro makes a proper showing under

Rule 60(b) of the Federal Rules of Civil Procedure. At a minimum, a proper showing in this case includes submission of a form petition as instructed in the notice of deficient pleading dated April 20, 2020.

The Court **ORDERS** that this case is **DISMISSED without prejudice**. All pending motions, if any, are **DENIED as moot**.

The Clerk will provide a copy of this order to the parties.

SIGNED at Houston, Texas, this 23rd day of June, 2020.



GEORGE C. HANKS, JR.
UNITED STATES DISTRICT JUDGE